

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

OBDULIO RECINOS,

Petitioner,

vs.

ROBERT LEGRAND, *et al.*,

Respondents.

3:11-CV-00492-HDM-VPC

**ORDER**

Obdulio Recinos, a Nevada prisoner, has submitted a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (docket #1-1).

Petitioner has now paid the filing fee (*see* docket #6). Therefore, the habeas petition will be filed and docketed, and it will be served upon the respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

**IT IS THEREFORE ORDERED** that the Clerk shall **FILE and ELECTRONICALLY SERVE** the petition (docket #1-1) on the respondents.

1           **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from  
2 entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other  
3 response, respondents shall address any claims presented by petitioner in his petition as well as any  
4 claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise all  
5 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and  
6 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,  
7 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the  
8 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-**  
9 **five (45) days** from the date of service of the answer to file a reply.

10           **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney  
11 General of the State of Nevada a copy of every pleading, motion, or other document he submits for  
12 consideration by the court. Petitioner shall include with the original paper submitted for filing a  
13 certificate stating the date that a true and correct copy of the document was mailed to the Attorney  
14 General. The court may disregard any paper that does not include a certificate of service. After  
15 respondents appear in this action, petitioner shall make such service upon the particular Deputy Attorney  
16 General assigned to the case.

17           Dated this 22<sup>nd</sup> day of August, 2011.

18           *Howard D McKibben*

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20 UNITED STATES DISTRICT JUDGE  
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